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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,064	11/14/2000	David Dawson-Granados	MSI-824US	8943
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LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			PILLAI, NAMITHA	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/712,064

Applicant(s)

DAWSON-GRANADOS ET AL.

Examiner

Namitha Pillai

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 31-45, 61-75 and 91-109 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-15, 31-45, 61-75 and 91-109 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The Examiner acknowledges Applicant's submission on 11/29/05. All arguments have been addressed. The previous rejection has been maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-15, 31-45, 61-75 and 91-109 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 2002/0052925 A1 (Kim et al.) and "HOW-TO Beat the ADS on FWP (Free Webpage Providers)?", herein referred to as the "HOW-TO" article.

Referring to claims 1, 31, 61 and 91, Kim discloses a graphical user interface with a display and a user interface selection device, which has the means for maintaining a single window interface through the web browser, as seen on the windows of Figure 2 (page 3, paragraph 45, lines 1-2 and paragraph 50, lines 1-6). Kim further discloses receiving a request to open a second browser window while a first browser window is displayed, and opening the second browser window if the request was initiated in response to a user action (page 6, paragraph 77, lines 7-9 and 16-19), wherein the user's request for another web page, through the clicking of a link is responded with the eventual display of the web page that the user had requested. Kim

does not disclose ignoring the request if the request was not initiated in response to user action. The "HOW-TO" article discloses ignoring the request if the request was not initiated in response to a user action, wherein these requests would be calls for pop-up advertisements, which are requested by users and as explained by the article, it provides a means for ignoring these pop-ups ads (page 1, lines 16 and 27). It would have been obvious for one skilled in the art, at the time of the invention to learn from the "HOW-TO" article for implementing a means for ignoring the request for the display of advertisements, which are not initiated in response to a user action. Kim clearly discloses how pop-up advertisements are requested and displayed without any intervention from the user and the amount of annoyance this brings to users (page 1, paragraph 9). The "HOW-TO" article also discloses the annoyance that users experience and the inconvenience of these pop-up unrequested ads, and provides a solution for dealing with this problem. To relieve any inconvenience to the users, Kim would be motivated to follow the teachings of the "HOW-TO" article to implement means for ignoring the request that is not initiated by the users. Hence, one skilled in the art, at the time of the invention would have been motivated to learn from the article to implement means for ignoring the request that is not initiated by the users.

Referring to claims 2, 3, 32, 33, 62, 63, 92 and 93, Kim discloses opening the second browser window as a full-screen browser window if the request was initiated by a user action, this user action only possible after loading and before unloading of a page in the first browser window, in order for the user to view and click on this first browser window (page 6, paragraph 77, lines 7-9 and 16-19), and as seen in Figure 2, the

reference number 204, is the second browser window shown in full-screen that is displayed in response to the user action, from the first screen, reference number 200, wherein the first browser window would be superimposed or replaced with the second browser window as seen in reference number 204 of Figure 2.

Referring to claims 4, 34, 64 and 94, Kim discloses opening a second browser window between pages of the first and second browser windows, at which time a load finished event for the first browser window is finished but before receiving an unload event for the first browser window, thus discussing the events that occur “between pages” (page 1, paragraph 9, lines 1-4).

Referring to claims 5, 35, 65 and 95, Kim discloses that the opening of the second browser window based on the second web-page that the user is accessing, is distinct from the first browser window containing the first browser page, from where the user has clicked on a link (page 6, paragraph 77, lines 6-10 and 16-19), as also is seen in Figure 2, wherein the displayed of two different instances of the web browser is shown in relation to different time slots, thus showing two different instances.

Referring to claims 6 and 96, Kim discloses the unloading of one first browser instance, as disclosed in the “transition” from one page to another, to the loading of a second browser instance, wherein modifications of two both the browser window instances will occur as a result of these unloading and loading events (page 3, paragraph 44, lines 7-8).

Referring to claims 7, 37, 67 and 97, Kim discloses as seen in Figure 12, a first browser window containing a plurality of frames, represented as the “Ecatalog” and

"Links" frames, wherein the request to open a second browser window, based on the user's clicking of one of the links in these frames, represented as the "boxed" link, wherein the request is associated with one of the plurality of frames as seen, and wherein the method further comprises opening the second browser window after loading the frame associated with the request to open the second browser window, as is seen in the transition of Figure 14 to Figure 15, wherein the second browser window displayed the "advertising at the speed of life" is associated with the "ADNETWARE" which is shown to be chosen by the user, and as seen in Figure 14, the frame has been loaded, allowing the user to choose their request which can then only be shown in the second browser window.

Referring to claims 8, 38, 68 and 98, as shown in the plurality of frames in Figure 14, the frames must be loaded then only displayed as seen in Figure 14, in order for a request to be made from these frames, and an associated second browser window to be displayed, associated with a request made from the frames, as seen in Figure 15.

Referring to claims 9, 39, 69 and 99, Kim discloses means wherein a dialog box represented as the click-on advertisement is stored locally and suppressed until a web page that is associated with the request to open the dialog box is displayed, wherein the advertisement is suppressed until a web page that is associated with the advertisement as been displayed, wherein then the dialog box is called on (page 6, paragraph 77, lines 8-14).

Referring to claims 10, 40, 70 and 100, Kim and the "HOW-TO" article discloses that amongst the information displayed with the browser window, includes multi-media

data and new broadcasts, both of which include sounds (page 3, paragraph 44, lines 13-15), hence when these pop-up advertisements are ignored, as stated in previous claims, the sounds associated with these displays would also be ignored or suppressed. It would have been obvious for one skilled in the art, at the time of the invention to suppress the generation of a sound associated with a browser window that is not displayed. Kim and the "HOW-TO" article established a system, wherein uninitiated requests by the user, such as pop-up advertisements would be ignored, wherein all information associated with these ads/commercials would be ignored and hence, the sounds associated with these ads would be suppressed. Hence, it would have been obvious for one skilled in the art, at the time of the invention to suppress the sounds associated with a browser window that is not displayed.

Referring to claims 11, 41, 71 and 101, Kim discloses receiving a request to close a browser window, closing the browser window if another browser window is open and ignoring the request if no other browser window is open (page 6, paragraph 77, line 16-19), wherein the AD window closes when the user requested window has been opened, but remains open when user initiated window has not yet been opened.

Referring to claims 12, 42, 72 and 102, Kim discloses maintaining a browser history, wherein a history of transitions between the first and second browser windows are maintained (page 3, paragraph 49, lines 8-11).

Referring to claims 13, 43, 73 and 103, Kim discloses means for maintaining a browser history through storing of the history of the displayed browser windows (page 3, lines paragraph 49, 9-11).

Referring to claims 14, 44, 74 and 104, Kim discloses means for building the browser history from all kinds of user and internet activities, thus including the history of a set of simultaneously open browser windows as seen Figures 12-16 (page 3, paragraph 49, lines 4-9).

Referring to claims 15, 45, 75 and 105, Kim discloses detecting through browser history a transition between two simultaneously open browser windows and in response to the detected transition, hiding one of the first and second browser windows and displaying a different one of the first and second browser windows (page 8, paragraphs 110-112).

Referring to claims 36 and 66, Kim discloses the communication of the two browser windows, wherein the first and second browser windows must communicate such that, once the user has clicked on a request on the first page to access a second page, communication has occurred between the pages, thereby forming a link in response to events occurring in the first browser window and second browser instances (page 6, paragraph 77, lines 8-10 and 17-20).

Referring to claims 106-109, Kim and the "HOW-TO" article discloses basing a determination that the request was not in responses to user action on information that the request was initiated during either loading or unloading of a page in the first browser window, wherein a determination is made for if pop-up ads are disclosed, wherein these pop-up ads are requested during loading and unloading of web pages ("HOW-TO", page 3, lines 9-18). Kim and the "HOW-TO" article also discloses basing a determination that the request was in response to user action on information that the

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request was initiated after loading and before unloading of a page in the first browser window, wherein the check for pop up ads, and the result of this check determine whether the request is a pop-up ad, which is a request that is not user initiated or a request initiated by a user which would not be a pop-up ad ("HOW-TO", page 3, lines 9-18).

Response to Arguments

3. Applicant's arguments filed 11/29/05 have been fully considered but they are not persuasive.

Kim teaches displaying of ads to occupy the window of the full window of the browse and in addition to this teaching further points out that pop-up ads are not a beneficial method for advertising. Kim may not explicitly teach ignoring pop-up ads but such a statement that these pop-up ads are not beneficial provides motivation for Kim to teach ignoring pop-up ads, in reference to ads that are not selected or desired by the user. Kim's teachings related to the ineffectiveness of pop-up ads provides rationale for combining Kim with the "How-To" reference for an expected beneficial result, with the result being the ignoring of pop-up ads. Kim's statements concerning the ineffectiveness of pop-up ads provides motivation and wherein obviousness of the teaching of ignoring pop-up ads is based on teachings found within Kim and "How-To" and does not include knowledge taken only from the Applicant's disclosure. Therefore, the combination of Kim and the "How-To" article is valid.

The combination of Kim and "How-To" article together disclose teachings that suggest to one of ordinary skill in the art, to ignore the request for the display of ads,

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which are not initiated in response to user action, these ads being the pop-up ads.

Applicant's arguments refer to the structure of the technology used in both the references, stating that the "How-To" reference cannot be adapted for use in a browser.

The present claims teach a general process of ignoring a request for ads without any teachings concerning the process through which this ignoring step is carried out.

Therefore, a teaching such as ignoring the request for pop-up ads as suggested in the combination of Kim and "How-To" would have been sufficient for one of ordinary skill in the art to learn from. It is not necessary that the inventions of the references be physically combinable to render obvious the teaching of ignoring the pop-up ads. Such a teaching would suggest to one of ordinary skill in the art, the process of ignoring the request of pop-up ads, with these ads not being initiated in response to user action.

Applicant also argues that the "How-To" is silent about a how browser could block ads, but there is no teaching of *how* the **browser** blocks the ads within the present claims.

Both the article and present claims suggest the teaching of blocking pop-up ads. It is further pointed out that Applicant states within the arguments that "How-To" article does disclose how ads can be blocked in a website (See Applicant's arguments, page 22, line 21).

Kim and How-To are analogous in teaching systems related to the field of advertisements and displaying of advertisements in an Internet environment. Kim may display full window ads but Kim's discussion of the undesirability of the pop-up ads teaches a common factor that both Kim and How-To are anti pop-up ads. The advertisements windows that accept user input with field data has been interpreted as

dialog box, with the ads being further suppressed as is taught in the combination of Kim and How-To.

Kim teaches that request is made to the system for closing of the browser window represented by an ad, where the teaching of closing the ad, represents the receiving of the request of the closing the browser window. The client and server interaction, with the client software determining the display of information teaches that based on determination by the client software, the closing of the browser window would be based on request made by the client. The closing of the browser window is based on the display of full window data, wherein the ad browser window would not be closed if the full window data has not yet been displayed.

Kim teaches maintaining and keeping track of information related to transitions between the user and the browser, including ad information, which are displayed in the browser and therefore are, related browser windows. Kim also teaches that information related to the ads, accessing of the ads and Internet activities are kept track of thereby teaching maintaining the browser history, with all this information being related to the browser. See page 3, paragraph 49. The browser history includes data and history information related to ads and Internet activities that are displayed within the browser and can therefore be interpreted as history of a displayed browser window.

Kim discloses displaying ads that are in response to user action, where based on user interaction an ad is displayed as opposed to pop-up ads that appear without or are not in response to user action. A determination of the ad being in response to user action or determination of the ad being a pop-up is made wherein the ignoring of pop-up

ad is made based on determination that the ad is a pop-up ad, as pop-ads are the ads that will be ignored.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action. Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Namitha Pillai
Assistant Examiner
Art Unit 2173
February 17, 2006



RAYMOND J. BAYERL
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